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September 18, 2019

Submitted Electronically to: AHS.MedicaidPolicy@vermont.gov

Medicaid Policy Unit
280 State Drive, Center Building
Waterbury, VT 05671

In re: GCR 19-019 Medicaid High Tech Nursing Program Changes

Dear Medicaid Policy Unit:

Thank you for the opportunity to comment on the proposed program changes to the Medicaid High Tech Nursing Program.

First, we commend the agency's investment in this program for self-managing families. The rate increases are welcomed and we anticipate this will have a positive impact on the usefulness of the self-managed option. Second, we are appreciative of the policy change that will allow parents who hold an appropriate license to be paid under this program to care for their children. Again, for those families where one or both parents hold the necessary licensure, this change will provide relief.

Vermont Legal Aid submits the following comments in response to the proposed policy:

Coverage Policy

(1)(a): A parent or legal guardian who holds a license to work as an LPN in Vermont should also be permitted to directly enroll and provide nursing. The proposed rate setting indicates LPNs continue to be allowable providers for this program, and so parents who work as LPNs should not be excluded from the coverage policy. This can be accomplished by amending (1)(a)(i) to state "Is a Registered Nurse (RN) or Licensed Practical Nurse (LPN) licensed to work in Vermont."

(1)(c): Limiting the daily shift hours is a concern. Some families may need the flexibility for a parent to be the paid provider for 10 or 12 hours on a given day because of the limited availability of other staff, in the current environment where nursing shifts go unfilled on average fifty percent of the time. We would suggest that the agency consider flexibility in the per-day hours limitation.

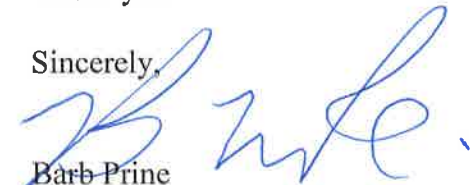
Limitations

(1) The prohibition on reimbursement for services that parents or legal guardians are legally obligated to provide should be amended to make clear that this is a limitation for parents or legal guardians of minor children. Parents or legal guardians of adults who benefit from the high tech program do not carry the same legal obligations to provide care to those adults.

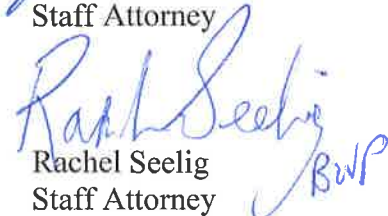
Once again, we are heartened by the steps the Department is taking to address some of the challenges with the High Tech program. We look forward to continuing the work so that all beneficiaries of the program receive this medically necessary care.

Thank you.

Sincerely,



Barb Prine
Staff Attorney



Rachel Seelig
Staff Attorney